

**CHARLOTTE COUNTY PLANNING AND ZONING BOARD**  
**REGULAR MEETING**  
Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida

**Board Members**

Michael Gravesen, Chair  
Paul Bigness, Vice-Chair  
Stephen Vieira, Secretary  
Don McCormick  
Kenneth Chandler



**District**

District V  
District III  
District I  
District II  
District IV

**MINUTES**  
**REGULAR MEETING**

March 9, 2020 at 1:30 P.M.

**Call to Order**

Chair Gravesen called the meeting to order at 1:30 p.m.

**Roll Call**

Upon the roll being called it was determined a quorum was present.

**Approval of Minutes – February 10, 2020 Regular Meeting**

The February 10, 2020 minutes were approved as circulated.

**Announcements**

The oath was provided by Secretary Scott for those wishing to provide testimony.

**PETITIONS**

**Audio Timestamp 1:32 p.m.**

**SV-20-01-02**

**Legislative**

**Commission District III**

Kirk Bouffard Plumbing, Inc. is requesting to vacate an undeveloped portion of Pelican Road, within Pine Lake Subdivision, a total of 0.16 acres, more or less, as recorded in Plat Book 3, Page 37B, of the Public Records of Charlotte County, Florida, and located south of Cypress Road, north and east of Placida Road, and west of Everington Road, in Section 21, Township 41, Range 20, in Commission District III.

Steven Ellis, Planner, provided the findings and analysis for Petition SV-20-01-02 with a recommendation of approval, based on the reasons stated in the staff report. The applicant seeks to develop an undeveloped portion of Pelican Road. The applicant owns the property abutting three sides of the targeted ROW. The 1956 recorded plat of Pine Lake Subdivision shows all streets, alleys, thoroughfares, parks, canals, and drainage easements as dedicated to the general public. If approved the applicant will gain possession of the entire vacated segment. As this road was never developed no vehicular traffic will be affected. No one will be denied reasonable access to their property.

All pertinent departments have reviewed the petition resulting in a total of zero conditions. All affected utilities have been notified. None have offered any objections. Community Development recommends approval of Petition SV-20-01-02.

**Questions for Staff**

Mr. Bigness asked about the lots on page six (6) shown as commercial and then shown on page seven (7) as residential.

Mr. Ellis explained that the Future Land Use on two of the lots is commercial, but all of the lots have a residential zoning.

**Applicant's Presentation**

**Steven Bouffard** stated as the applicant he is looking to close in that area and use it.

**Public Input**

- **Mr. Bigness** moved to close the public hearing, second by **Mr. Chandler**; with a unanimous vote.

**Recommendation**

**Mr. Bigness** moved that SV-20-01-02 be sent to the Board of County Commissioners with a recommendation of Approval based on the findings and analysis in the staff report dated February 20, 2020, along with the evidence presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

**Audio Timestamp 1:36 p.m.**

**PP-20-01-01**

**Quasi-judicial**

**Commission District I**

Lennar Homes, LLC has requested Preliminary Plat approval for a subdivision to be named, Babcock National Phase 2; consisting of 15 single-family lots. The site is 42.81 acres, more or less, and is located south of Bermont Road, north of the border with Lee County, east of Babcock Ranch Road, and west of the border with Glades County, in Sections 20 and 29, Township 42S, Range 26E, in Commission District I.

**Steven Ellis, Planner**, asked to be accepted as an expert in Planning; with his qualifications attached to the staff report. Chair Gravesen stated the Board accepts Mr. Ellis as an expert. Mr. Ellis provided the findings and analysis for Petition **PP-20-01-01** with a recommendation of approval, based on the reasons stated in the staff report.

This is the second phase of the Babcock National project. This application requires the approval of the Independent Special District (ISD). The ISD issued their conditional approval on February 14, 2020. The applicant has provided a Utility Availability Letter from the ISD. If approved the applicant will have two years to complete or bond the plat infrastructure. All pertinent departments have reviewed resulting in a total of four (4) conditions as outlined in the staff report.

Community Development recommends approval of Petition **PP-20-01-01** with the four (4) conditions as outlined in the staff report.

**Questions for Staff**

**Mr. Vieira** asked about the fifteen (15) conditions previously recommended by the Zoning Official; with Mr. Ellis explaining they were for site plan review approval and that they had all been addressed.

**Applicant's Presentation**

**Mr. Berntsson, Big W Law Firm, representing Lennar Homes, LLC** stated they join in the staff report. This petition consists of fifteen (15) single family lots and a number of tracts that will be used for multi-family in the future. Mr. Berntsson stated they accept Mr. Ellis as an expert and respectfully requested a recommendation for approval.

**Public Input**

- **Mr. McCormick** moved to close the public hearing, second by **Mr. Chandler**; with a unanimous vote.



**Recommendation**

**Mr. Vieira** moved that PP-20-01-01 be sent to the Board of County Commissioners with the four (4) conditions as outlined in the staff report, with a recommendation of Approval based on the findings and analysis in the staff report dated February 21, 2020, along with the evidence and testimony presented at today's meeting, second by **Mr. McCormick**; and carried by a unanimous vote.

**Audio Timestamp 1:42 p.m.**

**PP-20-01-06**

**Quasi-judicial**

**Commission District I**

Babcock Property Holdings, LLC has requested Preliminary Plat approval for a remedial subdivision to be named, Babcock Ranch Community Wayside Bend, consisting of two tracts and additions to twenty-four single-family lots. The site is 7.74 acres, more or less, and is located south of Bermont Road, north of the border with Lee County, east of Babcock Ranch Road, and west of the border with Glades County, in Section 32, Township 42S, Range 26E, in Commission District I.

**Steven Ellis, Planner**, provided the findings and analysis for Petition **PP-20-01-06** with a recommendation of approval, based on the reasons stated in the staff report. This is a remedial plat necessary to correct an error in the plat of Babcock Ranch Community Phase 2A. It was intended for the twenty-four (24) lots affected to extend all the way to the edge of the water. This replat will correct that issue. The Final Plat will be heard concurrently with this petition when it moves forward to the BCC.

All pertinent departments have reviewed resulting in a total of zero conditions. Community Development recommends approval of Petition **PP-20-01-06**.

**Questions for Staff**

None offered.

**Applicant's Presentation**

**Mr. Berntsson, Big W Law Firm**, representing Babcock Property Holdings, LLC stated they accept Mr. Ellis as an expert and join in the staff report. This is extending lots, previously platted up to the lake. Mr. Berntsson respectfully requested a recommendation of approval.

**Public Input**

- **Mr. Vieira** moved to close the public hearing, second by **Mr. McCormick**; with a unanimous vote.

**Recommendation**

**Mr. Vieira** moved that **PP-20-01-06** be sent to the Board of County Commissioners with a recommendation of Approval based on the findings and analysis in the staff report dated February 18, 2020, along with the evidence and testimony presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

**Audio Timestamp 1:46 p.m.**

**PP-20-01-07**

**Quasi-judicial**

**Commission District I**

Babcock Property Holdings, LLC has requested Preliminary Plat approval for a subdivision to be named, Babcock Ranch Community Phase 2C, consisting of two tracts and 195 single-family lots. The site is 59.38 acres, more or less, and is located south of Bermont Road, north of the border with Lee County, east of Babcock Ranch Road, and west of the border with Glades County, in Section 32, Township 42S, Range 26E, in Commission District I.

**Steven Ellis, Planner**, provided the findings and analysis for Petition **PP-20-01-07** with a recommendation of approval, based on the reasons stated in the staff report.

This phase of Babcock Ranch will plat two (2) tracts and 195 single family lots. If approved the applicant will have two years to complete (or bond) the plat infrastructure.

All pertinent departments have reviewed resulting in a total of three (3) conditions. Therefore, Community Development recommends approval of Petition **PP-20-01-07** with the three conditions as outlined in the staff report dated February 18, 2020.

**Questions for Staff**

None offered.

**Applicant's Presentation**

**Mr. Berntsson, Big W Law Firm, representing Babcock Property Holdings, LLC** stated they join in the staff report and the conditions there of. This is a continuation of the community allowing for continued development.

**Public Input**

- **Mr. Bigness** moved to close the public hearing, second by **Mr. Chandler**; with a unanimous vote.

**Recommendation**

**Mr. Vieira** moved that PP-20-01-07 be sent to the Board of County Commissioners with the three (3) conditions as outlined in the staff report, with a recommendation of Approval based on the findings and analysis in the staff report dated February 18, 2020, along with the evidence and testimony presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

**Audio Timestamp 1:51p.m.**

**PP-20-01-08**

**Quasi-judicial**

**Commission District IV**

Forestar (USA) Real Estate Group, Inc has requested Preliminary Plat approval for a subdivision to be named, The Shores and The Cove at West Port Phase 1B, consisting of 124 residential lots. The site is 90.95 acres, more or less, and is located south of U.S. Highway 41, north of El Jobean Road, east of the Crestwood Waterway, and west of the Flamingo Waterway, in Sections 10 and 11, Township 40S, Range 21E, in Commission District IV.

**Steven Ellis, Planner**, provided the findings and analysis for Petition **PP-20-01-08** with a recommendation of approval, based on the reasons stated in the staff report. This phase of West Port will plat 124 single-family lots on property formerly known as Murdock Village. If approved the applicant will have two years to complete or bond the plat infrastructure.

All pertinent departments have reviewed resulting in a total of five (5) conditions. Community Development recommends approval of Petition **PP-20-01-08** with the five (5) conditions as outlined in the staff report dated February 18, 2020.

**Questions for Staff**

None offered.

**Applicant's Presentation**

**Jackie Larocque, P.E. Waldrop Engineering, P.A.** representing Forestar (USA) Real Estate Group, Inc stated this is for the next 124 lots; they accept Mr. Ellis as an expert and accept all the conditions.

**Public Input**

- **Mr. Bigness** moved to close the public hearing, second by **Mr. McCormick**; with a unanimous vote.



**Recommendation**

**Mr. Chandler** moved that **PP-20-01-08** be sent to the Board of County Commissioners with a recommendation of Approval with the five (5) conditions as outlined in the staff report dated February 18, 2020, based on the findings and analysis in the staff report and the evidence presented at today's meeting, second by **Mr. Bigness** and carried by a unanimous vote.

**Audio Timestamp 1:56 p.m.**

**FP-20-01-02**

**Quasi-judicial**

**Commission District III**

Rotonda Golf Partners II, LLC has requested Preliminary and Final Plat approval for a two-lot Minor Subdivision to be named, Par View Estates One. The site is 1.65 acres, more or less, and is located north of Par View Court, south of Par View Road, east of Par View Terrace, and west of Rotonda Circle, in Section 19, Township 41, Range 21, in Commission District III.

**Steven Ellis, Planner**, provided the findings and analysis for Petition **FP-20-01-02** with a recommendation of approval, based on the reasons stated in the staff report. The applicant intends to create a two -lot minor subdivision from acreage. Although the FLUM of the subject parcel is Parks and Recreation, which carries no density, the applicant has submitted a companion Plan Amendment on this same agenda to change the FLUM to Low Density Residential.

The County Engineer has found the project in substantial compliance with submitted plans. The impact of this plat is not sufficient to trigger School Concurrency. As with all Minor Subdivisions, there are no conditions of approval. Therefore, Community Development recommends approval of Petition **FP-20-01-02**.

**Questions for Staff**

None offered.

**Applicant's Presentation**

Mr. Berntsson, Big W Law Firm, representing Rotonda Golf Partners II, LLC explained that they originally sought to sever TDU units from platted lots that are used as cart paths for the golf course, there are a total of 17. Once that density is removed from those lots thru companion applications, it is then the intention to transfer the density onto these three (3) subdivisions for a total of 17 lots. The Comprehensive Plan Amendment will contain an annotation that a maximum of 17 units can be placed on the overall three (3) parcels that are being subdivided. The zoning will be for single family homes. Each of the lots in this particular plat will be split in half; there will be four (4) lots on this acreage.

**Public Input**

**Mike Frantz**, Rotonda resident stated he had been sworn and asked the Board to deny the recommendation for cluster lots on all three petitions. Mr. Frantz stated he was told by his realtor that this was a greenbelt that would never be developed, and he believes this petition will bring his property value down.

**Dr. Kirsch**, Rotonda resident, stated they invested in the Rotonda based on the original layout of the area. There are deed restrictions. We felt there would be little change. We are concerned that greenspace is disappearing in the area with development. There is less wildlife in the area now. This area was designated as Park area. Why is this land being sold off by the Golf Course; are there fiscal problems? If the Golf Course fails to exist will they then propose to develop the entire golf course? We want Rotonda to remain as it currently is. It has been a success story. We would urge the denial of this and all three petitions.

**William Rauscher**, resident 15 Par View Place, expressed his concern with how this is being developed. It takes away greenspace and animals. Why are the three (3) parcels being proposed separately as 3, 4 and 2 lot developments. It appears to me to be a single development. Is this because a larger development has more

requirements? The lots are abnormally large, and the proposal says up to 17. If they are going to subdivide them that should be done up front. I have concerns there may be multi-family ultimately. What is the ultimate goal for the Golf Course in this area? Hopefully the deed restrictions and HOA fees will apply to the proposed lots as it does to us.

**Myra Mullen**, resident Rotonda, stated she likes Rotonda the way it is. We like the open space and animals currently seen on the golf course and would not like to see lots of homes added.

**Carol Mullens**, Myra Mullens daughter, stated she is a 2020 graduate of the University of Florida's, Florida Master Naturalist Program of Upland Communities; of which this property is part of a rare upland's community. There is a variety of wildlife that live here. This and the other two mentioned properties are part of a wildlife corridor to another area which is all Pine Flatwoods. This is a remaining shelter and corridor for the wildlife that passes through that area. The Pine Flatwoods are a vital part of the healthy ecosystem. The Pines transpire water which is part of our Florida hydrology, creating rain in the Summer and dryness in the Winter. There is current development in Rotonda creating noise. It will be noisy when these houses are built.

**Sam Besase**, resident of Rotonda, was sworn and stated that 6.79 acres are changing from Park Lands to Single Family Residential. Speaking on behalf of all three petitions, the residents are concerned with current drainage issues and this can only exasperate this issue. A drainage study was done, and results are pending. The MOU needs to be finalized for drainage to be addressed. Have they looked at the drainage issues? Drainage, greenspace, wildlife issues, water quality and noise are all issues for concern.

**Ann Marie Hunter**, resident Rotonda West, stated she is concerned with wildlife, the design, deed restrictions; and of most concern is the MOU and drainage. Of large concern are two lots to be broken into 4 units each. I hope they are held to single family homes and not apartment units. We already have traffic issues which would be increased with apartments. Please deny these requests.

**Scott Shutt**, resident 16 Par View Court, was sworn and spoke to the drainage problems. Are they going to have their own drainage ditch? Mr. Shutt expressed his concern with animals, greenspace and issues mentioned previously by other residents.

**Ron Fauseit**, Rotonda resident, lives across the street from these lots was told by his realtor that this was a preserve and the HOA confirmed they would never be built on this. Drainage is a concern. Mr. Forsyth requested the Board deny these petitions.

**Mr. Boso**, resident 14 Par View Court, stated his concern with the density and drainage issue. Lots are 80' x 120' and these lots are going to be designated to be 100' – 110' x 160' and it is not clear what the ultimate development will be. Bobcats are on this property and the environmental study does not mention this. I believe it is incomplete and further study is needed and it should be deferred.

**Rick Allio**, resident Rotonda, stated his concern with removal of greenspace and wildlife; requesting denial of the request.

**Bernard Deland**, resident Rotonda, stated it is greenspace and it was supposed to be that, leave it.

- **Mr. Vieira** moved to close the public hearing, second by **Mr. McCormick**; with a unanimous vote.

**Chair Gravesen** asked Mr. Berntsson if he accepts that the residents who spoke addressed all three petitions; with Mr. Berntsson stating, yes.



**Mr. Berntsson** stated this is a sub-division before the Board and all criteria has been met for the granting of a sub-division. An environmental study was provided as part of the application and was accepted by staff. Easements will be provided on some of the lots for enhanced drainage. We are not adding any density. We are transferring density from seventeen (17) other platted lots that will be held without density in perpetuity. The property is zoned RMF-3.5 today. We are not amending the zoning. The Future Land Use is being amended in a separate petition, but it does not allow for multi-family or duplexes. Lots will be split in half for a total of four lots. Rotonda Golf Partners and I have been working with the HOA on the memorandum of understanding with the County. I submit that we have met the criteria for the preliminary and final minor plat, and respectfully request approval.

**Mr. McCormick** asked if the Parks and Rec designation extends to a larger area; with Mr. Berntsson explaining this is a Comprehensive Plan designation. To satisfy the state in the 1990's a lot of private property such as golf courses were made a Parks and Rec designation. We are only amending a small portion.

**Mr. Bigness** asked if it is a requirement that contiguous property not be affected adversely; with Mr. Berntsson stating this is reviewed as part of the building permit process.

**Mr. Berntsson** explained that similar petitions have been heard in the past with several other areas within the Rotonda Wheel that were sub-divided; and a minor plat was done further south on Rotonda Circle previously.

**Mr. Bigness** suggested the HOA work with the developer; stating the Planning and Zoning Board is a recommendation Board and these petitions will be heard before the Board of County Commissioners (BCC) on April 14, 2020.

**Chair Gravesen** explained the density system for Charlotte County.

**Mr. Bigness** explained that a 180-acre former golf course was turned into a large park with lakes and walking paths in Rotonda; which is something the community enjoys.

**Mr. Berntsson** explained that these lots will be under the HOA and will pay appropriate shares and that these 17 lots are currently golf cart paths. We are moving the development rights to these properties. The Golf Cart lots today do not hookup to water and sewer; this is a benefit to the utility to ensure those lots are transferred and there will be an equivalent number of customers for water and sewer service.

**Chair Gravesen** suggested the HOA may consider buying the lots when sold to keep as a greenspace.

#### **Recommendation**

**Mr. Bigness** moved that **FP-20-01-02** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated February 20, 2020 and the evidence presented at today's meeting, second by **Mr. Chandler** and carried by a unanimous vote.

#### **Audio Timestamp 2:38 p.m.**

**FP-20-01-03**

**Quasi-judicial**

**Commission District III**

Rotonda Golf Partners II, LLC has requested Preliminary and Final Plat approval for a three-lot Minor Subdivision to be named, Par View Estates Two. The site is 1.83 acres, more or less, and is located north of Par View Road, south of Long Meadow Court, east of Par View Terrace, and west of Rotonda Circle, in Section 19, Township 41, Range 21, in Commission District III.

**Steven Ellis, Planner**, provided the findings and analysis for Petition **FP-20-01-03** with a recommendation of approval, based on the reasons stated in the staff report dated February 21, 2020.

The applicant intends to create a three-lot Minor Sub-Division from acreage. Although, the FLUM of the subject parcel is Parks and Recreation, which carries no density, the applicant has submitted a companion Plan Amendment on this same agenda to change the FLUM to Low Density Residential. Early in the review period, the Stormwater Projects Engineer called out certain technical issues on the plat document. The applicant was notified and responded promptly with the appropriate corrections.

The County Engineer has found the project in substantial compliance with submitted plans. The impact of this plat is not sufficient to trigger school concurrency. As with all minor subdivisions there are no conditions of approval. Community Development recommends approval of Petition **FP-20-01-03**.

#### **Questions for Staff**

None offered.

#### **Applicant's Presentation**

**Mr. Berntsson, Big W Law Firm** representing Rotonda Golf Partners II, LLC, stated they accept Mr. Ellis as an expert for purposes of these hearings. We have incorporated the public comment from the previous hearing, and I would incorporate my testimony from the previous hearing as well; respectfully requesting approval of this sub-division.

#### **Public Input**

**Rick Allen**, resident Rotonda, asked what the number of lots will be?

**Robert Riggs**, 771 Rotonda Circle, explained there is a drainage problem in his area and may get worse with the proposed building. Owls and eagles were seen in the past but have not seen that in two years. The habitat is hurting, it is noisier; further stating he is against these petitions.

**Chair Gravesen** asked about drainage; with **Mr. Ellis** explaining the reason for the revision to the plat documents was for drainage easements on the lots as required by the Stormwater Projects Engineer.

**Carol Mullen** stated this section was created to fulfill a need and there is a reason for open spaces. We need to understand the need for Parks and Rec space. An environmental study was done but it would be nice to know what the outcome of the study was. I disagree there will be no impact on the wildlife. The number one reason for death and threats to wildlife in Florida is habitat loss and defragmentation. A complete space is being fragmented. This is a fragile portion of the Rotonda community that needs to stay intact in order to keep the livelihood of all the animals.

- **Mr. McCormick** moved to close the public hearing, second by **Mr. Vieira**; with a unanimous vote.

**Chair Gravesen** stated the Charlotte County Natural Resources Department is very efficient and dedicated to the protecting of the wildlife.

**Mr. Bigness** stated the association has a group that that makes an effort to protect the animals within the community, as well.

**Chair Gravesen** added that Charlotte County has preserved 30-35% of the county which is owned by the State or County, with preserved wetlands and green lands. South County has many wildlife corridors established.

#### **Recommendation**

**Mr. Bigness** moved that FP-20-01-03 be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated February 21, 2020 and the evidence presented at today's meeting, second by **Mr. Vieira** and carried by a unanimous vote.



**Audio Timestamp 2:53 p.m.**

**FP-20-01-04**

**Quasi-judicial**

**Commission District III**

Rotonda Golf Partners II, LLC has requested Preliminary and Final Plat approval for a four-lot Minor Subdivision to be named, Par View Estates Three. The site is 3.31 acres, more or less, and is located north of Par View Road, south of Par View Place, east of Par View Terrace, and west of Rotonda Circle, in Section 19, Township 41, Range 21, in Commission District III.

**Steven Ellis, Planner**, provided the findings and analysis for Petition **FP-20-01-04** with a recommendation of approval, based on the reasons stated in the staff report dated February 21, 2020.

The applicant intends to create a four-lot Minor Sub-Division from acreage. Although, the FLUM of the subject parcel is Parks and Recreation, which carries no density, the applicant has submitted a companion Plan Amendment on this same agenda to change the FLUM to Low Density Residential. Early in the review period, the Stormwater Projects Engineer called out certain technical issues on the plat document. The applicant was notified and responded promptly with the appropriate corrections.

The County Engineer has found the project in substantial compliance with submitted plans. The impact of this plat is not sufficient to trigger school concurrency. As with all minor subdivisions there are no there are no conditions of approval. Community Development recommends approval of Petition **FP-20-01-04**.

**Questions for Staff**

None offered.

**Applicant's Presentation**

**Mr. Berntsson, Big W Law Firm** representing Rotonda Golf Partners II, LLC, stated they accept Mr. Ellis as an expert for this hearing and to incorporate his prior comments.

**Public Input**

**Carol Mullen**, Rotonda resident, stated they have a strong HOA and one member on the Board is a developer. What is the impact of having those dwellings here? Important to consider the future of what will happen. You are making a decision for 650 acres. That is hundreds of thousands of acres of water that will not be transpired into the atmosphere.

**Anne Marie Hunter**, Rotonda West, stated David Kelly is here and he is the current president of the Rotonda West Association Board of Directors and our representative for the Golf Course LLC. It has never been presented for Rotonda to pick up those properties.

- **Mr. McCormick** moved to close the public hearing, second by **Mr. Chandler**; with a unanimous vote.

**Attorney David** stated for the record that the applicant's council has waived rebuttal.

**Recommendation**

**Mr. Bigness** moved that **FP-20-01-04** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated February 21, 2020 and the evidence presented at today's meeting, second by **Mr. Vieira** and carried by a unanimous vote.

**Audio Timestamp 3:02 p.m.**

**PA-20-01-01                      Legislative                      Commission District III**

Pursuant to Section 163.3184(3), Florida Statutes, adopt a Small Scale Plan Amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Parks and Recreation (PKR) to Low Density Residential (LDR), increasing density from 0 units to 17 units, and adding an annotation to limit the total residential density to 17 units; for property located at 780 Rotonda Circle, in the Rotonda West area, containing 6.79± acres; Commission District III; Petition No. PA-20-01-01; applicant: Rotonda Golf Partners II, LLC; providing an effective date.

**Matt Trepal, Planner, Principal**, provided the findings and analysis for Petition **PA-20-01-01** stating the subject property is currently vacant, although part of a larger golf course parcel. The applicant is proposing to change the Future Land Use designation to Low Density Residential to allow the development of up to 17 single family homes. Under the proposed FLUM designation of low density residential and existing zoning of RSF-5 a maximum of 33 units would be allowed on the 6.79 acres at 5 units per acre. The applicant is voluntarily limiting the maximum density to 17 units and an annotation will be added to the Future Land Use Map.

In order to develop units on the property, density units must be transferred using the County's transfer of density units' program. Petition CSZ-19-04-02 has been submitted severing 17 units from 17 platted lots, using cart paths for the Long Marsh Golf Club and Petition TDU-20-10-02 transferring those units to the subject property. If the FLUM Amendment is approved by the BCC those petitions will be brought forward.

The framework for the subject property is Maturing Neighborhood. The petition presents no concurrency issues and is consistent with the goals, objectives and policies of the Charlotte 2050. The Community Development Department recommends approval of Petition PA-20-01-01.

**Questions for Staff**

None offered.

**Applicant's Presentation**

**Mr. Berntsson, Big W Law Firm** representing Rotonda Golf Partners II, LLC stated that it is the entire group of petitions that are important; explaining the petitions as outlined in the staff reports. The Golf Course intends to continue operating and does not have any further plans to sever TDU's and develop any properties. There have been other areas where tracts with single family designation and land use have were developed, without any question in the past. This is a Maturing Neighborhood and that is where we want to see development in our Comprehensive Plan. Mr. Berntsson reserved time for rebuttal. All required environmental studies have been done and we have had review by the engineering department and drainage department. Mr. Berntsson respectfully requested approval.

**Chair Gravesen** asked if the seventeen (17) cart path lots are adjacent to streets and what the Future Land Use is on the seventeen (17) lots; with Mr. Berntsson saying the cart path lots are adjacent to the streets and that the FLU is Low Density Residential.

**Chair Gravesen** asked if this goes forward, if those lots will be left open; with Mr. Berntsson confirming, yes.

**Chair Gravesen** asked that all public comments from the previous three petitions be added to this petition record.

**Public Input**

**Mike Cabrario**, Rotonda resident, stated he bought his vacation home in 2011 and would have bypassed Rotonda if there was not Park and Rec near his house; stating his concern with building single family homes in this area. Wildlife is within 100 ft. of his house and he asked the Board to deny the zoning change.



**Ms. Hunter**, Rotonda West, asked what happens in the future? The Rotonda design and shape was explained. What if another golf course fails? Are we then going to increase the density and change from Parks and Recreation and increase housing?

**Carol Mullen**, Rotonda resident, asked if this is the golf course cart path; stating there is not a golf course path in this area or connected in the three places being discussed. Ms. Mullen thanked the Board for their time and public service.

**Rick Allen**, 34 Par View Court, asked how the 17 platted lots could be transferred to the designated area?

**Attorney David** explained the TDU program.

**Chair Gravesen** added that the density cap was implemented after the golf course was built through the Comprehensive Plan.

**Sam Besase**, Rotonda resident, stated the seven points, drainage, greenspace, wildlife, water quality, noise, health with respect to mosquitos and traffic seem to be the issues. Most residents of Rotonda view a golf course or canal from their home and this is the single biggest beauty of Rotonda. Mr. Besase disclosed he is the Treasurer of the Rotonda West Association and an Advisory Board Member for the MSBU. As treasurer I would not be recommending buying these 17 lots due to the cost. There are approximately 8012 lots in Rotonda and 8900 in the MSBU.

**Scott Shutt**, resident Rotonda, expressed his concern with the petitions. We had Parks and Recreation which satisfied the State. How can we carve pieces out of it?

**David Kelly**, Rotonda Golf Course, stated he is an owner of the golf course and is available for any questions. Mr. Kelly explained these were designated clubhouse sites with a clubhouse and driving range.

- **Mr. McCormick** moved to close the public hearing, second by **Mr. Vieira**; with a unanimous vote.

**Mr. Berntsson, Big W Law Firm** explained the TDU Program and that Parks and Recreation is not preservation. The original plan was to have the clubhouse here. The Parks and Recreation was here for the golf course. We are not taking away preserve land. We have been clear that there will be 17 single family homes. This is in keeping with the neighborhood and we respectfully request the Board's approval of this petition.

**Mr. Bigness** asked what the maximum residential density was based on the zoning; with Mr. Berntsson stated 33 which is based on the zoning.

**Mr. McCormick** asked if the clubhouse is extinguished; with **Mr. Trepal** stating it is an allowed use under the existing zoning.

**Chair Gravesen** asked if Mr. Trepal knew to what extent Parks and Recreation land had increased since the 1990's; with Mr. Cullinan explaining that a lot of the TIF and SWFMD lands in west and south county were added subsequent to this change which increased our amount of open space and land for recreation. There has been the Tippecanoe acquisition and other acquisitions by SWFMD and TIF in the Burnt Store area and in west county, east and south of South Gulf Cove. The Parks and Rec designation on these park lands was done previous to a lot of those acquisitions both by the County and the State agencies.

**Mr. Bigness** stated the TDU's are coming from the same area which fits in with what the County tries to do. We've talked about the applicant trying to work with the residents and the residents have time to speak with the commissioners. The reduction in density units is a good gesture as well.

**Recommendation**

**Mr. Bigness** moved that **PA--20-01-01** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated February 3, 2020 and the evidence presented at today's meeting, second by **Mr. Vieira** and carried by a vote of 3 Aye-2 Nay. Secretary Scott polled the Board with **Mr. McCormick** and **Mr. Chandler** voting Nay.

**Mr. McCormick** explained that this is the second time the Parks and Rec designation has placed him in an uncomfortable position. Logic tells me that any citizen moving into a neighborhood does not expect commercial development or housing development on designated Park Land. It is very unique, and I understand how it came to be but I think we as a county need to address this on a countywide basis where all this Parks and Rec Land, which essentially encompasses private land as part of its Future Land Use, should be addressed and clearly identified so that someone moving into the area would make those adjustments. We had a gentleman testify here today who said he never would have bought his house.

**Audio Timestamp 3.37 p.m.**

**Legislative**

**Commission District IV**

KL West Port, LLC is requesting approval of an Amended Developer's Agreement for the West Port (fka Murdock Village) development. The property is 434.68 acres, more or less, and is located east of the Crestwood Waterway, west of the Flamingo Waterway, south of Franklin Avenue, and north of SR.-776, in Commission District IV.

**Shaun Cullinan, Planning and Zoning Official**, provided the findings and analysis for Petition KL West Port, LLC stating the item is a request for a Developers Agreement Amendment by KL West Port. Part of the request is to remove Part 3 and replace it with the area shown in the PowerPoint. Staff has analyzed the dollar amounts from the original \$11.6 million agreement from Private Equity Group and now KL West Port; and has deemed it to be about \$400,000 less for this revised application. In exchange for that the applicant has volunteered to upsize the lines from 10-12-inch mains to 24-inch mains which would be about a \$900,000 cost. Increasing the net value by about \$500,000.

In the existing DA there is no provision to insure the site enhancements such as landscaping and park improvements are completed before the funds in the escrow account are dispersed. This amendment would allow for more retainage; with \$1,185,000 for the site enhancements and landscaping; and \$273, 800 for the park improvements.

The amendment will also change the frequency in which disbursements can be made from the escrow accounts. Currently it is quarterly; which will change to monthly.

This will also fix inconsistency between the Development Agreement (DA) and the documents that created the Community Development District and adding language that when a subdivision plat is recorded the individual platted tract will be released from any obligations under the DA as to the construction of the public infrastructure improvements. Assuring the main developer KL West Port is responsible for the construction of the PII and not any subsequent owner. We are recommending moving this forward to the Board for their consideration.

**Attorney David** explained this is a Chapter 163 Development Agreement which requires two public hearings to be amended or adopted.

**Questions for Staff**

None offered.



**Public Input**

- **Mr. Bigness** moved to close the public hearing, second by **Mr. Vieira**; with a unanimous vote.

**Recommendation**

**Mr. Chandler** moved that the **Petition KL West Port, LLC** be forwarded to the Board of County Commissioners for their position, based on the memorandum dated February 27, 2020 and the evidence presented at today's meeting, second by **Mr. Viera** and carried by a unanimous vote.

**Audio Timestamp 3:43 p.m.**

**Z-20-02-09**

**Legislative**

**County Wide**

An Ordinance amending Charlotte County Code Chapter 3-9, Zoning; Article I, In General; amending Section 3-9-6.2, Special Exceptions, subsection (e) Notice of Public Hearing; amending Section 3-9-6.3, Variances, subsection (f) Notice of Public Hearing; amending Section 3-9-10, Amendments, subsection (e) Mailed Notice and subsection (f) Posted Notice; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Ken Quillen, Senior Planner**, provided the findings and analysis for Petition **Z-20-02-09** explaining that the current code requires a mailed notice be sent to all property owners within 500 ft. of subject property. The BCC has now directed staff to increase the distance from 500 to 1000 ft. for sending mailed notices to surrounding property owners. These notifications are for applications for Special Exceptions, Variances, Zoning Map Amendments and Plan Amendments. Along with this proposed change staff is also proposing to change from 10-15 calendar days mailing and posting signs. Making the time consistent with all the other noticing requirements within this code.

An average of about 30 notices were mailed for each application using the past 250 ft. distance. The increase to 500 ft. in April of 2018 increased the number of mailed notices to approximately 60 notices per application.

Examples for a 1000 ft. buffer were given:

Example A - Single family - 70 lots (500 ft. buffer) – 240 lots (500 ft. buffer)

Example B - Commercial – 160 lots (500 ft. buffer) – 380 lots (500 ft. buffer)

Example C - Large Commercial near residential – 85 lots (500 ft. buffer) – 210 lots (500 ft. buffer)

The Planning Division recommends approval of the proposed Zoning Text Amendments based on the findings and analysis documented in the staff memorandum dated February 28, 2020, the intent of the Land Development Regulations and Charlotte County Comprehensive Plan.

**Chair Gravesen** asked if originally the distances took out streets and or ROWs; **Mr. Quillen** explained that when the buffer requirement was 200 ft. staff added 50 ft to account for ROW that might be nearby; as the buffer got larger we did not feel it was necessary to account for streets and ROW.

**Mr. McCormick** asked if there would be a burden with the larger administrative load; with **Mr. Quillen** stated not with the current technology and GIS system.

**Questions for Staff**

None offered.

**Public Input**

- **Mr. Bigness** moved to close the public hearing, second by **Mr. Chandler**; with a unanimous vote.

**Recommendation**

**Mr. Bigness** moved that **Z--20-02-09** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated February 28, 2020 and the evidence presented at today's meeting, second by **Mr. McCormick** and carried by a unanimous vote.

**Audio Timestamp 3:50 p.m.**

**PA-20-01-04-LS                      Legislative                      Commission District I**

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Economic Opportunity (DEO) and other State agencies for review and comment; the amendment request is to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Agriculture (AG) to Mineral Resource Extraction (MRE); for property located at 2000 and 2150 State Road (SR) 31, in the East County area, containing 87.24± acres; Commission District I; Petition No. PA-20-01-04-LS; Applicant: BDC Shell & Aggregate, LLC; providing an effective date.

**Z-20-01-05                      Quasi-Judicial                      Commission District I**

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Agriculture (AG) to Excavation and Mining (EM); for property located at 2000 and 2150 State Road (SR) 31, in the East County area, containing 87.24± acres; Commission District I; Petition No. Z-20-01-05; Applicant: BDC Shell & Aggregate, LLC; providing an effective date.

**Jie Shao, Planner, Principal**, asked that she be accepted as an expert in Planning with her qualifications attached to the staff report as Exhibit 1. The stated purpose of both the applicant and the land owners is a desire to expand the natural boundary of existing excavation operations across the remainder of the involved properties as well as resolve outstanding issues associated with a prior attempt at such an expansion.

The owner owns the property to the north and south to the subject site. An existing excavation site called Watermelon Pit is located to the eastern portion of the subject property; its excavation permit will expire October 18, 2020.

Surrounding properties are all designated agriculture. The site will be designated as MRE if the Board approves this Large-Scale Plan Amendment.

**Chair Gravesen** called for a five (5) minute recess at 3:56 p.m.

**Audio Timestamp 4:03 p.m.**

Ms. Shao explained that the subject site meets the location limitation requirements of the proposed MRE FLUM designation and is consistent with the ENV Policy 1.4.9 Watershed Overlay District. The applicant submitted a proposed excavation plan as outlined in the staff report. Based on submitted data, the proposed changes shall not create any negative impact on surrounding wetlands. The subject site is located within the Wildlife Corridor Critical Linkage and a 500 ft. Wildlife Corridor is proposed for the subject property. A Conservation Easement must be drafted, finalized and approved by the BCC prior to issuance of a local excavation permit. The proposed Large-Scale Amendment meets and is consistent with all requirements various goals, objectives and policies set forth in the County's Comprehensive Plan for transmittal to the DEO and other State Review Agencies for review and comment. The Re-Zoning request also meets and is consistent with all goals, objectives and policies set forth in the Comp Plan related to Commercial Excavation.

**Questions for Staff**

None offered.



**Applicant's Presentation**

Derek Rooney, Gray Robinson, representing BDC Shell & Aggregate, LLC stated they have no objection to Ms. Shao as a designated expert. We join in the staff report and recommendations; and feel all requirements have been met.

**Mr. Vieira** asked if there had been activity in the wildlife corridor and if restoration was planned for anything already mined; with **Mr. Gary Bayne, Southwest Engineering** explaining that the wildlife corridor has a 30-40 ft. ditch in the middle and to the east and west there is disturbed land. The excavation will be done in two cells. On the east side we will slope 6-1 and plant wetland species and there will be planted banks along the side; and the same on the west side.

**Mr. Bigness** asked if all engineering and approvals thru the State are in process or getting approved and do you also have the mitigation plan for the end with slopes into the lake; with **Mr. Bayne's** explaining they were going thru the Farms Program, but this did not go thru and they are now going thru the DEP process for an ERP Permit. The County requires a landscape plan that goes around the lake which will be implemented as part of the excavation permit. There are three annual reports they submit each year, one to the County, one thru DEP and one for the Water Management District. Survey's are done every year to make sure they are not digging outside the boundaries and depth to make sure the confining layer is not penetrated. We will be staying two(2) feet above the confining layer. The first 2-3 ft. is sand, then there is about 7-8 ft. of filter and then there is 15-20-ft. of shell and 2-3 ft. of rock.

**Mr. Rooney** explained there are legal issues related to this project. We had the existing mine to the east; the second phase was approved as a 15-acre exemption. We did get State permits for the remainder of the property. However, they did start digging before they received a local permit on the State sign off and we were unable to get an agricultural classification requiring us to go in as a Commercial mine and go thru this process.

**Public Input**

- **Mr. Bigness** moved to close the public hearing, second by **Mr. Chandler**; with a unanimous vote.

**Recommendation**

**Mr. Vieira** moved that **PA-20-01-04-LS** be sent to the Board of County Commissioners with a recommendation of Approval of Transmittal to the Department of Economic Opportunity and other State Review Agencies for review and comment, based on the findings and analysis in the staff report dated February 24, 2020 and the evidence and testimony presented at today's meeting, second by **Mr. McCormick** and carried by a unanimous vote.

**Recommendation**

**Mr. Vieira** moved that **Z-20-01-05** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated February 24, 2020 and the evidence and testimony presented at today's meeting, second by **Mr. McCormick** and carried by a unanimous vote.

**Chair Gravesen** thanked Secretary Scott for her service as she will be retiring.

**Claire Jubb** advised the Board she had taken a position as Assistant County Administrator for Charlotte County and the Interim Community Development Director will be Ben Bailey.

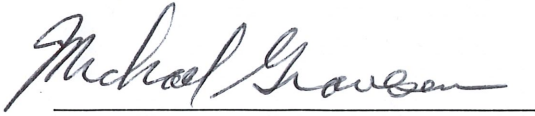
**Chair Gravesen** congratulated both Ms. Jubb and Mr. Bailey.

**Ben Bailey, Interim Community Development Director and Building Director** introduced himself stating he was honored to be in this position and working with the Board.

**ADJOURNMENT**

The meeting was adjourned at 4:21 p.m.

Accepted on behalf of the Charlotte County  
Planning and Zoning Board

A handwritten signature in black ink, reading "Michael Gravesen", is written over a horizontal line.

Michael Gravesen, Chair